

REMARKS

This paper is filed in response to the Non-Final Office Action mailed March 25, 2010. Claims 1-8 and 10-21 are pending. Claims 10-18 and 20 have been withdrawn. Claims 1, 7 and 21 have been amended. Claim 2 is original. Claims 3-6 and 8, and 19 are previously presented. Claims 8 and 9 have been cancelled. Therefore, claims 1-7, 19 and 21 as amended remain pending, and Applicants respectfully request reconsideration and allowance thereof.

Claim amendment

Claim 1 has been amended to incorporate the limitation of claim 8. Support for this amendment can be found on at least page 13, lines 21-31 and page 14, lines 1-11 of the application as filed. Therefore, no new matter has been added.

Objection to the specification

The Office Action indicates that page 13 of the specification is objected to for having a sentence that only contains the word “with”. Applicants have amended the specification to remove this word and believe that the objection has been overcome.

§112 Rejection

Claims 7 and 21 stand rejected under 35 USC §112, second paragraph, for being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claim 7, the Office Action states that it is unclear what the weight percentage for the dispersing agent is based on (total weight of the coating composition, solids in the composition, etc.). Applicants submit that page 8, lines 12-13 of the application as filed state that “the percent is by weight based on the total weight of solids present in the composition.” Claim 7 has been so amended, thereby obviating the instant rejection.

Regarding claim 21, the Office Action indicates that the preamble of claim 21 states that the stain blocking water borne coating composition of claim 18, but claim 18 is directed to the use of inorganic nano-particles as a stain blocking agent. Applicants have amended the dependency of claim 21 to indicate that it is dependent on claim 1. Support for this amendment can be found in the application as filed, page 6, lines 25- page 8 line 13.

§102(b) Rejection

Claims 1-8, 19 and 21 are rejected under 35 U.S.C. §102(b) as being anticipated by Rohrbaugh et al (US2002/0028288) in view of evidence provided by Bejoy (Hydrotalcite article).

Applicants respectfully submit that Rohrbaugh fails to disclose several claimed limitations. First, Rohrbaugh fails to disclose an aqueous coating composition comprising water and a binder material. An essential difference between the claimed invention and Rohrbaugh is that Rohrbaugh teaches that the nanoparticles form the coating layer, whereas in the present invention the binder forms the coating layer and contains a minor portion of the specified nanoparticles as an additive. It is well known that aqueous coating compositions typically have a higher percentage of polymer binder dispersed in water (see application as filed, page 14, lines 1-11) and only a minor amount of additives. This has been clarified by the amendment of claim 8 into claim 1, to indicate that the total amount of inorganic nanoparticles is 0.1-4.0% by weight, based on the total weight of the water borne coating composition, and the total amount of water borne organic polymeric binders is 20-100% by weight, based on the total weight of the water borne coating composition.

The only instance in which D1 describes a coating composition comprising a binder is described in Example 1 of Rohrbaugh. However, here it is not an aqueous coating composition but a solvent borne coating composition.

Further, Rohrbaugh basically only teaches clays having negatively charged layers, but indeed does enclose a single exception in a very long list in paragraph [0042] to [0071] – which is hydrotalcite. However none of the examples disclose hydrotalcite. It appears that the hydrotalcite even is in disagreement with the overall teaching of D1. There is certainly no reason for the skilled artisan to specifically use a hydrotalcite for any particular reason in an aqueous coating composition and surely there is no enabling disclosure for preparation of such a composition, thereby also rendering any potential obviousness rejection moot.

Moreover, the coating composition of the present invention is distinct in that it prevents and/or limits chemicals leaching out into the coating from within the substrate (see page 4, line 13). The coating composition can thus be presented as a primer onto which other materials may be applied to provide the outermost layer (see page 13, line 8). The coating

composition is depositable to enable electrostatic interaction between the inorganic particles therein and the water-extractable substances within the substrate.

Applicants respectfully submit that the §102 rejection is improper and should be withdrawn. Applicants believe that the amended claims are patentable and that the instant application should now move to allowance.

Request for Telephonic Interview

Applicants believe that the application is now in condition for allowance. However, should any issues remain, the Examiner is respectfully requested to contact the undersigned to schedule a telephonic interview prior to generation of an office action.

Any extension of time that may be deemed necessary to further the prosecution of this application is hereby requested.

The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 08-3038, referencing the docket number shown above.

Pursuant to MPEP §502.03, authorization is hereby given to the USPTO to communicate with Applicant's representative concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file. Applicant's representative, Coraline J. Haitjema, can be reached at email address haitjemac@howrey.com.

The Examiner may also contact the undersigned by telephone at the number given below in order to resolve any questions (note, this telephone number is an Amsterdam phone number, Amsterdam time is 6 hours ahead of US east coast time).

Respectfully submitted,

/chaitjema/

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